CHAPTER XI.

FORESTS.

The Forest Department in this Presidency is of recent origin, the appointment of Conservator of Forests having been created in 1847, and having existed for many years only in the person of Dr. Alexander Gibson. For a few years before that, correspondence relating to trees and forests had been conducted through the Military Board, and it was only in 1865 that it was decided that the general administration of the forests should be conducted in the Revenue Department. It was about the same time that the department was much enlarged, and its importance has been increasing ever since.

In the early days of our rule, as in the times preceding it, but little trouble was taken about the forests or the rights of Government in trees, for the simple reason that the abundance of jungle rendered wood of but little value, and it seemed not worth while therefore to restrict the people in cutting down trees pretty much as they liked. But as the country has gradually been cleared and cultivation has increased with the population, it has been necessary for Government to interfere to prevent the wasteful destruction of trees.

Under the Forest Department are included not only what is generally understood by the word forests, but also all matters relating to timber trees in Government land, plantations, the supply of timber and fuel, and other minor matters relating to wood. Owing to little care having been taken in most collectorates to prevent the destruction of timber, there is now more work to be done in creating forest reserves than in preserving the old forests.

In the very valuable Report on the Forests and Forest Department of this Presidency, made by Dr. Brandis (No. 208, June 18th, 1870) he says: "Forest business in Bombay is not simply the administration of certain well-defined Government estates which may be managed by a separate agency without interfering with the interests and privileges of the surrounding population. Forest administration in this Presidency means the management of public forests cut up and interlaced with private lands, burdened in most

cases by a variety of customary rights and privileges: it comprises further the management of village forest, and the maintenance and exercise of the Government forest rights in occupied lands and in private estates. If an independent department were to deal with these multifarious and intricate matters without the co-operation of the Revenue Officers the result would not be satisfactory." This explains why it is that the work of the Forest Department is to so great an extent under the Collectors.

1. **Objects of the department.**—The Home Government attaches very great importance to whatever tends to the conservation of forest, and the improvememt of the means of communication within them or access to them. Measures for remedying the deficiency of firewood are within the province of the Forest Department, and also the provision of proper means of conveyance for the timber and firewood cut, and the connection of the forests with the great lines of traffic throughout the country.—*Secretary of State, Dec.* 16, 1864.

2. **Principles of the department.**—The true objects for which the Forest Department is organized and maintained are:—

1st.—To guard and preserve from wasteful destruction the timber growing on defined tracts of land, which may properly be withdrawn from private occupation; and by good management to ensure the supply from those tracts in time to come of the timber needed to meet the wants of the country.

2nd.—To combine with the above the realization by reasonable means of such a revenue as the Government is fairly entitled to expect from its possession of such valuable property.

But in striving to attain these ends Government are bound to pay due regard to the habits and wants of perhaps the poorest class of the population; and they strongly deprecate vexatious and oppressive interference with their daily life, for the purpose of enforcing in petty details the so-called rights of the Forest Department.—*G. R. No.* 6144, *Nov.* 1, 1875.

3. It cannot be too strongly impressed on all connected with the Forest Department that their aim should be to conciliate the villagers in forest tracts and to secure their co-operation by liberal

treatment in respect of their domestic wants, and by giving them employment as much as possible.—*G. R. No.* 5963, *Nov.* 12, 1874.

4. Considering the alarming extent to which the denudation of the country had been permitted to proceed before any really effectual steps were taken to arrest the evil, it would be an unwise and short-sighted policy either to curtail the expenses necessary to repair the neglect of past years, or to increase present revenue by cutting more than is absolutely required for the wants of the country, or to have recourse to the wasteful and extravagant system of cutting and selling by contract. Excluding a few exceptional districts, such as Kanara and Tanna, it is as much as the department can be expected to do for several years to come, if they succeed in preserving an equilibrium between revenue and expenditure.—*G. R. No.* 5455, *Oct.* 14, 1874.

5. **Management.**—The management of the forests is left entirely in the hands of the Local Governments, but the estimated expenditure for the year is submitted to the Government of India, in accordance with the rules for the preparation of the Budgets of the Local Governments. Thus the Government of India will be sufficiently informed of all financial proceedings in regard to the department, while there will be no unnecessary restraint in regard to expenditure either on forest operations, the making of roads, or any other improvements which will make the forests more valuable. The independent action of the Local Governments with regard to the management of their own forests, and attention to the general financial regulations of the Supreme Government for the expenditure on them are hereby secured.—*Secretary of State, Dec.* 16, 1864.

6. **Inspector General of Forests.**—The Inspector General of Forests in India corresponds directly on all forest matters with the Conservators in this Presidency, and may call for any information, reports, and returns which he may think necessary. This power is not given with a view to encourage interference with the independent action of the officers of this Presidency otherwise than by advice, but only to ensure forest administration being conducted, as far as different circumstances will permit, on uniform principles.—*G. of I., Sept.* 1, 1870; *Secretary of State, Jan.* 5, 1871.

7. **Uniform.**—All classes of the forest protective establishment, including rangers and foresters, should wear uniform.

It is in no way degrading to a Forest Officer of any rank to be obliged to wear a uniform, and if any of them possess strong prejudices against having to wear uniforms, they are at liberty to leave the service.

As regards uniformity of dress, there is no very urgent reason why each division should not have its own uniforms and badges and its own side-arm.

The Marátha koita, which every man knows how to use, hung in the common wooden sling used by the hillmen, is very handy for all purposes, and it should therefore be used in the Northern Forest Division. In the Southern Forest Division the hunting knife of the pattern suggested by Colonel Peyton can be used if that officer deems it superior to the bill-hook.

As regards material for the uniform, the Balmattha or Mangalore Mission cloth is in every way better and more suitable than thick heavy English cloth.

Great-coats cannot be provided at Government expense. A good strong country kambli is all a man could need, and this he may well be expected to supply for himself at his own cost, as he would have to do were he a cultivator or a hill-man living in his own village.

In Sind no change is required, as from the Conservator's report it would appear that the Forest Department officers in that province already possess suitable uniforms, arms and accoutrements.—*G. R. No.* 2101, *March* 31, 1882.

8. **Jungle work.**—The Conservator and his Assistants are expected to pass their time as much as possible in the jungles, and not at the desk: their office work is to be reduced to a minimum.—*G. R. No.* 3541, *July* 21, 1871.

9. **Forest Officers and Collectors.**—The question of the relation in which Forest Officers are to stand towards Collectors hardly admits of being defined by precise rules. Much must necessarily be left to the good sense of the officers concerned. Looking to the vast influence a Collector possesses under a ryotwar system of revenue administration, it would be inexpedient to lose the co-operation of so powerful an ally; and it is certain that until the demarcation of forests is completed it would not be possible to

dispense with his assistance and that of the numerous officials under his control. Therefore—

(1) Subject to the following restrictions the District Forest Officer is to be subordinate to the Collector in all forest matters.

(2) All orders of a professional character—relating, for example, to felling, planting, and other operations—will emanate from the Conservator, but are to reach the District Officer through the Collector. If the latter officer sees any reason to object to them, he can do so; and differences of opinion between him and the Conservator which cannot be otherwise settled are to be referred to the Commissioner, and, if necessary, to Government.

(3) All correspondence between the District Officer and the Conservator, including bills for travelling allowance, periodical reports, estimates, &c., are to be sent through the Collector, who will make such comments as he may deem advisable.

(4) The Collector is not to issue orders to the District Officer affecting forest management direct; but if he deems it necessary to order him to proceed to a particular locality he can do so, sending a copy of such order to the Conservator.

(5) The Conservator is the controlling authority in all matters of patronage in the subordinate branches, and in all matters of departmental discipline.

(6) An annual plan of forest operation is prepared by the District Officers and submitted through the Collectors to the Conservators, who in turn submit, through the Commissioners, a sketch of the proposed operations in their Divisions, for the information of Government.—*G. R. No.* 3756, *Aug.* 6, 1870.

Whenever the Forest Department propose to take up land for forests, the application should invariably be forwarded in the first place to the Collector of the District, who should submit the matter with his opinion thereon to the Commissioner of the Division. The opinion of the Collector should always be given *fully*. Government look to the Collectors, who are in a better position to judge than Forest Officers, that in no instance is more money given by Government for the right of occupancy of its own land than is absolutely necessary.—*G. R. No.* 1053, *March* 26, 1879.

The Conservator of Forests should issue strict orders to his Assistants, the District Forest Officers, that all correspondence between them and the Conservator should pass through the Collector of the District.—*G. R. No.* 4376, *Aug.* 20, 1880.

Purely account papers relating to disbursements for which the Conservator is the sole responsible authority need not pass through Collectors, but all correspondence relating to Forest expenditure not actual accounts, but charges not already sanctioned, or usual, should in addition to the annual forest budgets pass through the Collectors.—*G. R. No.* 1445, *March* 10, 1881.

Government Resolutions on which instructions are issued by the Conservator shall be sent by him to the District Forest Officer through the Collector of the District. Resolutions on which no such instructions are passed may be transmitted direct to the District Forest Officer by the Conservator of Forests.—*G. R. No.* 2873, *May* 2, 1882.

10. **Examination.**—1. Every officer joining the Forest Department in the Bombay Presidency shall pass an examination in one of the Vernacular languages of the Presidency—Maráthi, Gujaráthi, Kánarese or Sindhi—and in surveying according to the Lower Standard, provided that officers who hold the certificate of having completed the professional education prescribed by the Secretary of State shall not be required to pass again in surveying.

2. The test in the vernacular language shall be that prescribed for junior Civilians before their investiture with Third Class Magisterial powers.

3. This examination will be held before the Central Committee for Vernacular Examinations or such other Committee as Government may appoint specially for the purpose.

4. Every officer shall present himself for examination in the vernacular language of the District in which he is employed at the first meeting of the Central Committee held after he has been nine months in the service, and he shall be liable to lose his appointment if he fails to pass at the first examination held after he has been eighteen months in the Forest Department.

5. The test in surveying according to the Lower Standard will be as follows:—

> A circuit round an area of not less than two square miles of flat country to be traversed with a prismatic compass and chain; the bearings, distances and offsets to be recorded in a field-book, and to be plotted on a scale of not less than 8 inches =1 mile. The roads, paths, streams, houses and other topographical features to be filled in by plane table and chain. If

the officer conducting the examination certifies that no plane table is available, the interior detail should be filled in by prismatic compass and chain. A line not less than one mile in length to be levelled throughout from both ends, and the sections to be afterwards plotted on a scale of 8 inches=1 mile for horizontal distances and not less than 20 feet=1 inch for vertical distances.

6. To qualify for promotion to the post of Assistant Conservator of Forests, Second Grade, an examination in the following subjects must be passed by an Assistant Conservator of the Third Grade:—

First.—The vernacular language of the district in which he has been employed according to the Lower Standard examination test for junior Civilians, if this test has not already been passed.

Second.—Surveying according to the Lower Standard, if he has not already qualified in this subject.

Third.—The Indian Forest Act No. VII. of 1878.

Fourth.—Departmental rules, accounts, standing orders relating to forests and official business.

Fifth.—The land revenue system of the district in which he may have been employed.

In addition to the above a certificate must be obtained from the Conservator of Forests of the Division, in the form prescribed, that the Assistant Conservator is competent to hold charge of a Forest District.

7. To qualify for promotion to the First Grade of Assistant Conservators, an Assistant Conservator of the Second Grade must pass an examination in the vernacular language according to the Higher Standard examination test prescribed for junior Civilians; must be certified by the Conservator of Forests to be fully competent to hold charge of a Forest District; and must be considered to have merited promotion.

8. An officer transferred from one district to another district in the vernacular language of which he has not passed, will be required to pass an examination in the vernacular language of his new district, according to the Lower Standard examination test within one year of transfer. But an officer who in consequence of transfers has passed in the vernacular languages of two different districts by the Lower Standard, will, if otherwise qualified, be eligible for promotion to the first grade of Assistant Conservator in whatever

district he may be serving without being required to pass in any one language by the Higher Standard.

The Departmental Examinations of Forest Officers will be conducted by the Central Committee; for the purposes of examining such officers a Conservator or Deputy Conservator of Forests will from time to time be appointed by Government to be an additional member of the Central Committee; and the Conservator or Deputy Conservator of Forests so appointed will conduct the examination in surveying and in "departmental rules, accounts, and standing orders relating to forests and official business."—*G. R. No.* 5924, *Nov.* 10, 1880.

9. Certificates of qualification by the Higher Standard of surveying may be granted to Forest Officers proficient in the following branches of Surveying, viz.:—

Forest Department Code, Addenda and Corrigenda No. II., 2.

In the Field.

1. Survey with chain only.
2. Survey with prismatic compass and chain, and plot by angles and distances.
3. Traverse with chain and circular protraction.
4. Traverse with theodolite, chain and clinometer.
5. Connection of traverses with trigonometrical stations.
6. Triangulation.
7. Survey with plane table and chain.
8. Survey of hilly ground with plane table (to include the fixing of ridges and streams and the production of an intelligible map).

In Office.

1. Reducing and enlarging a map by squares and triangles.
2. Use of the pentagraph.
3. Use of the planimeter.
4. Methods of calculating areas roughly.
5. Computation of traverses.
6. Reduction of distances from clinometer readings.
7. Drawing up a chart from numerical data.—*G. R. No.* 2878, *June* 4, 1880.

11. **Extraordinary Expenditure.**—There are certain cases in which the administration of forests must, like the Irriga-

tion Department, undertake works of public utility, the outlay on which within one year may not always be covered by the revenue of the year. The rule that the forest expenditure shall always be covered by the revenue can, in its very nature, only apply to ordinary expenditure.

It must, of course, be a principle in the spread of forest conservancy, as in the spread of irrigation not to undertake anything that is not likely in the end to prove remunerative. Unless this is done, the operations will prove to be financially impracticable if carried out on any large scale. But it would be fatal to progress to apply the principle so as to refer to the income and expenditure within each year. The forest expenditure, like that for irrigation, must be divided into two grand classes—ordinary and extraordinary.

For the ordinary expenditure it is at least necessary not to allow any expenditure beyond the year's income; indeed, as a general rule, the expenditure should be far less than the income if any revenue is to be derived from the forests. But for the extraordinary expenditure such a rule is inapplicable. Each proposal for extraordinary expenditure must be regarded as of the nature of capital outlay, and must in the first instance be worked out in full detail, to show that all the measures have been carefully considered beforehand, and that the result is likely to be ultimately profitable to such a degree as to justify the outlay. When once this has been established, and if the outlay is otherwise proper and convenient, the expenditure should be sanctioned irrespective of the *present* income of the forest, and subject only to considerations of practical convenience and financial prudence.

Next to improved communications and to irrigation, there is nothing which the Government can undertake in the way of physical improvement so advantageous at once to the comfort and well-being of the people, and the progress of the country in civilization and riches, as the maintenance and improvement of existing forests and, wherever necessary, the establishment of plantations for timber and fuel; while, there is here not only advantage to the country, but a certain prospect of an ultimate large income to Government in a way that will not press on the people, but on the contrary will aid their resources.

Such being the case, it appears desirable to encourage the Local Governments to bring forward carefully considered schemes likely to be ultimately profitable, and to set them in hand as soon as they

are matured, and all needful arrangements made for carrying them out gradually, systematically, and economically.

These views are conditional on the understanding that a proper distinction between ordinary and extraordinary expenditure will be carefully maintained.

Expenditure on account of the following three classes of works or undertakings may be regarded as capital or extraordinary expenditure :—

1*st.*—Purchases of land on a large scale for plantations, or the purchase of forests, or the purchase of rights and privileges in Government forests from the inhabitants of the neighbourhood, or from other parties.

2*nd.*—Plantations on a large scale.

3*rd.*—Works undertaken to facilitate the working of the forests, such as roads, canals for floating timber, and works for the improvement of existing streams.

These appear to be the only classes of outlay involving *bonâ fide* capital expenditure, which need not necessarily be covered by the income of the same year. Whenever any individual item exceeds Rupees 5,000, it should be entered separately, under its proper sub-head, in the Budget Estimate, and a separate detailed report or estimate should be submitted explaining the particulars of the work proposed. In the case of roads, canals, and other works, which admit of the employment of the Public Works forms of estimate, these should be used, but in all cases these reports on projects should be accompanied by the needful maps and plans, and by a detailed specification of what is proposed to be done.

Such projects should, as far as practicable, be submitted for sanction to the Government of India in anticipation of the Budget Estimates.

These rules will apply to all projects either for the purchase of forests, or forest rights, or for plantations on a large scale, or for communications individually exceeding Rupees 5,000 in one year, whether they create an excess of expenditure over income or not.—*G. of I. No.* 23, *Oct.* 19, 1867.

12. **Temporary Establishments.**—"2. The existing practice in the Forest Department of most provinces is to entertain (in addition to the permanent establishments, which require the sanction of the Government of India under the orders of 17th May

1878, and the cost of which is charged under B, 'Establishments') temporary hands to superintend timber operations, and for various other purposes. The cost of such temporary establishments forms a part of the total expenditure of the work on which they are employed, and is charged under the main head of A, 'Conservancy and Works.' The Governor-General in Council recognizes the fact that forest work demands a certain latitude in this respect; that establishments entertained for its practical execution must be elastic; and that it would not promote economy to make the employment of temporary men subject to the rules under which permanent establishments are sanctioned by the Government of India.

"3. All temporary establishments must, however, receive the specific sanction of the Local Government, which must be given for a fixed period, in no case to exceed twelve months; it being borne in mind that the sanction lapses with the provision made in the budget grant for the work on which they are employed.

"The sanction of the Local Government to the entertainment of any particular establishment may, if considered expedient, be given to a monthly maximum amount, and it may be left to the Conservator to make such alterations as he may from time to time find necessary in the scale of such establishment. But the sanction should in each case specify distinctly the dates from and to which the establishments are to be entertained, and the budget sub-head to which their cost should be charged; and in every case when the sanction accorded is for twelve months, the period should be counted from the 1st March to the end of February, so that the cost may be met from the budget grant for the year.

"The Comptroller-General should invariably be furnished with a copy of the orders sanctioning the entertainment of temporary establishments.

"4. Establishments employed on timber operations will be charged to sub-head A I, 'Timber and other produce removed from the forests by Government agency'; those entertained for the collection of revenue derived from timber and other forest produce removed from the forests by consumers or purchasers will be entered under A II, and those employed on other works will be charged to the proper sub-head of A, 'Conservancy and Works.'

"5. Forest guards in charge of demarcated forests will ordinarily be included in the permanently sanctioned scale of establishments, and their pay will be charged to the sub-head B I c., 'Sub-

ordinate forest and depôt establishments.' But cases may occur in which Local Governments and Administrations may find it necessary to sanction temporary establishments for employment in forests which are not demarcated, or in demarcated forests, on special occasions, in order to strengthen the permanent establishments. In such cases the pay of these establishments will ordinarily be charged to one of the six sub-heads of A VIII., 'Demarcation, improvement and extension of forests,' and should it in any case appear necessary, there will be no objection to the addition of a new sub-head under A VIII.

"6. Persons entertained as a temporary measure for the protection of forests from fire may be regarded as day-labourers, and be charged as such in the accounts of the Forest Department, under the authority of the Conservator of Forests, without requiring the sanction of the Local Government. It will, however, rest with Local Governments, either in particular cases or generally in a province, to require that the men employed upon this duty shall be classed among temporary establishments, and shall as such be subject to their sanction under the rules. Local Government should inform the Comptroller-General of any order passed by them to this effect.

"7. Temporary office establishments may be entertained under the orders of Local Governments and Administrations when absolutely necessary, and their cost may be charged to appropriate sub-heads under A, 'Conservancy and Works,' or B, 'Establishments,' whichever may be most convenient.

"8. The employment in any temporary establishment of all persons drawing Rs. 100 per mensem or more requires the specific sanction of the Government of India.

"9. The pay of all temporary establishments must be drawn on regular salary bills in the same form as those of permanent establishments.

"10. Persons employed on temporary establishments are not entitled to leave of absence, nor does their service count for pension, unless the post which they hold is subsequently converted into a permanent appointment."—*G. of I. No.* 46-*F., Nov.* 1, 1879.

13. **Administration Report.**—The annual Progress Report of the Forest Department is to show the operations of the

financial year, and its main divisions should be as far as possible under the following headings :—

Section I.—Inspection of forests.
" II.—Reserves.
" III.—Plantations.
" IV.—Yield of forests.
" V.—Financial results.
" VI.—General remarks.

It is to be sent by the Conservator to the Commissioner not later than October 15, and the Commissioner is to send it on within a week. A list of places visited by the Conservators and Assistants is to be given, and the nature and extent of free grants of wood and timber made during the year are to be prominently noticed.—*G. of I. Oct.* 9, 1866, *and No.* 742, *June* 23, 1873; *and G. R. No.* 1115, *Feb.* 27, 1873, *and No.* 3288, *May* 23, 1877.

14. **Demarcation.**—The work of demarcation is of primary importance—not more in the interest of the Forest Department than to protect the cultivators from the oppression and hardship they must necessarily be subjected to if the restrictions essential to forest conservancy are not limited to well-defined areas.

After the selections have been made and final sanction given, the blocks are to be entered in the maps, and recorded in the registers, copies of which are to be kept in the offices of the Collectors and Conservators.

In districts where the Survey is in progress, forest demarcation is to be effected simultaneously.—*G. R. No.* 3756, *Aug.* 6, 1870.

15. It is very desirable that when the demarcation of forest reserves is begun in any district it should be completed as quickly as possible so as to prevent the establishment of village or other rights over the selected areas. Land once demarcated as forest should not again be given up for cultivation without very strong reasons concurred in by the Forest officers.—*Sec. of State, No.* 2, *Jan.* 17, 1878.

16. Alterations are not to be made in the existing boundaries of Survey numbers with a view to straightening bends or cutting off indentations. Entire numbers can in most cases be retained or excluded as circumstances may demand, and existing ones should not be divided without reference to the Survey Commissioner.

The pay of Surveyors employed on this duty should be charged to the Forest Department, and also any expense incurred for compensation.

A formal inspection of the boundaries should be made by the Deputy Conservator or his subordinates before the demarcated tracts are finally put into the possession of the Forest Department.—*G. R. No.* 1615, *May* 2, *and No.* 3541, *Oct.* 4, 1866.

17. **Settlement and Demarcation—Powers of Officers.**—Many of the difficulties which the Forest Department has had to contend against in former times have arisen from the absence of any forest law in this Presidency up to the year 1878, in which year the Indian Forest Act No. VII. of 1878 came into force: Under this Act forests are divided into three classes:—

I.—Reserved forests.

II.—Protected forests.

III.—Village forests.

Section 34 of the Act imposed on the local Government the responsibility of determining, within twelve months from the date on which the Act was introduced, and after consideration of the rights of Government and of private persons in all forest lands or waste lands then under its executive control for purposes of forest conservancy, what forests were actually in the position of reserved or protected forests in the meaning of these terms as used in the Act, and of declaring them accordingly by a notification in the Local Official Gazette.—*G. R. No.* 5814, *Nov.* 12, 1878.

As the time assigned by the Act for deciding what lands should be classed as reserved or protected forests was much too short to enable Government to make a satisfactory enquiry, settlement, and record of the rights of private persons sufficient for the purposes of the Act, they ruled that except in those cases in which definite orders were passed by them no such enquiry, settlement and record had taken place.—*G. R. No.* 5814, *Nov.* 12, 1878.

Large areas were notified under this section on 1st March 1879 in several Districts of this Presidency without detailed enquiry into rights, and it became therefore necessary to appoint for that purpose Forest Settlement Officers under section 4 of the Act. In some Districts Assistant and Deputy Collectors have been appointed to be ex-officio Forest Settlement Officers within their respective charges, while in others special officers have been appointed to

perform this duty. As it was of the greatest importance to effect the settlement of forest matters as early as possible, and at the same time to secure a full, final, and satisfactory settlement, Forest Settlement Officers were entrusted in certain districts with the work of Forest Demarcation.

Powers and duties of a Forest Settlement Officer.

The "Forest Settlement Officer" (*vide* Section 4c of the Act) is appointed to enquire into and determine the existence, nature, and extent of any "*rights*" alleged to exist in the favour of any person in or over any land comprised within the proposed forest limits, or in or over any forest produce, and to deal with the same as provided by the Act.

The "Settlement Officer" is required (Section 7) to take down in writing any statements of claims of "*rights*" made under section 6, and to enquire into all claims duly preferred under that section, and the existence of any "*rights*" mentioned in Sections 4 and 5, so far as may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same.

In the case of a claim to a "*right*" in or over any land other than a right, if any, of pasture, or to forest produce, or a water course, the Forest Settlement Officer shall (*vide* Section 10) pass an order admitting or rejecting the same in whole or part.

If such claim be admitted in whole or in part, the Forest Settlement Officer shall either—

(1) exclude such land from the limits of the proposed forest, or

(2) come to an agreement with the owner thereof for the surrender of his rights, or

(3) proceed to acquire such land in the manner provided in the Land Acquisition Act, 1870.

The Forest Settlement Officer is deemed to be a Collector proceeding under the Land Acquisition Act, 1870 (*vide* Section 10*a*), and he may, with the consent of the claimant, or the Court may, with the consent of both parties, award compensation in land, or partly in land and partly in money (Section 10 *d*).

In the case of a claim to "*rights*" of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part (Section 11).

The Forest Settlement Officer, when passing any order under Section 11, shall record (Section 12) so far as may be practicable—

(*a*) the name, father's name, caste, residence, and occupation of the person claiming the right ;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

If the Forest Settlement Officer admits, in whole or in part, any claim under Section 11, he shall (*vide* Section 12) record the extent to which the claim is so admitted, specifying the number and description of the cattle, which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He should also record whether the timber or other forest produce, obtained by the exercise of the rights claimed, may be sold or bartered.

After making such record, the Forest Settlement Officer shall (*vide* Section 14) to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the "*rights*" so admitted. For this purpose, the Forest Settlement Officer may—

(*a*) set out some other forest tract of sufficient extent and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them the right of pasture or to forest produce, as the case may be, to the extent so admitted ; or

(*b*) so alter the limits of the proposed forest as to exclude forest land of sufficient extent, and in a locality reasonably convenient for the purposes of the claimants ; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may, from time to time, be prescribed by the Local Government.

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14, as shall ensure the continued exercise of the said *rights* to the extent so admitted, he shall (*vide* Section 15) subject to such rules as the Local Government may from time to time prescribe in this behalf, commute such rights, either by payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.—*G. R. No.* 4919, *Sep.* 15, 1879.

It is the duty of the Forest Settlement Officer to enquire into the existence of rights of way as well as any other rights even if they are not claimed, and necessarily to define in his proceedings whether they are public or private, high roads, cart tracks or bye-paths. No right of way thus defined and admitted can be afterwards stopped without the previous sanction of the Local Government and until a reasonably convenient substitute has been provided. The provisions of the Act are most distinct and careful, and His Excellency in Council desires that they may be most strictly followed by all officers concerned in Forest Settlement and management. Any vexatious and illegal interference with forest rights or rights of way in forests will be visited with the severest displeasure of Government.—*G. R. No.* 3112, *May* 31, 1881, *with Leg. Remr.'s Opinion.*

The powers and duties of a Forest Demarcation Officer are—

(1) To settle claims in lands under Forest control prior to 1st March 1879.

(2) To recommend the rejection from the notified forest area of all unsuitable lands.

(3) To select fresh lands suitable for forest purposes; such as can be at once acquired being entered as forest, and such as are to be acquired hereafter being entered within the proposed forest limit, but to be left uncolored on the maps; the Conservator and the Collector being furnished with lists of such lands and directed to acquire them for the permanent forest area whenever practicable.

(4) To superintend the execution of awards and settlements in old and new forests.

(5) To prepare a complete and accurate list of forest lands with columns noting the orders relating to any liable to special treatment.

(6) To erect forest boundary marks in an outward and visible form.

(7) To correct the maps and registers in accordance with the demarcation.

It is for the Forest Settlement and Demarcation Officer to recommend what lands should be disforested, and not himself to expunge them from the list of reserved forests. In all other respects orders passed and decisions given by the Forest Demarcation Officer should be regarded as final. In cases where lands now occupied but suitable for forest purposes can be obtained in exchange for lands which although already notified as reserved forests are less suitable for forest conservancy, and prompt action is desirable, the Forest Demarcation Officer may, if the District Forest Officer concurs in holding the exchange expedient, be authorised to effect the exchange without obtaining the previous sanction of Government to the disforesting of the notified forest lands. He should report his action to Government and measures would subsequently be taken to issue the notification formally disforesting the lands granted in exchange to cultivators.

In demarcating the reserved forests one great object to be held steadily in view is to keep them as far as possible in compact blocks. Extreme irregularity of outline should also be avoided as far as may be. As regards the question of the inclusion only of entire numbers within reserved forest boundaries or of breaking up survey numbers into portions, including only one part within the reserved forest and excluding the other in order to maintain a symmetrical outline, no rigid rule should be prescribed. Circumstances vary in different cases, and it may be left to the Forest Demarcation Officer to determine in each particular instance what course is most advantageous. In the large majority of cases it will probably be found advisable to include whole numbers.—*G. R. No.* 529, *Jan.* 26, 1881.

16. **Privileges of Forest Villages.**—The privileges generally given to the inhabitants of villages, the lands of which have been reserved or protected, are to cut and remove grass free of charge in the reserves, and to graze cattle, cut and remove dead wood for fuel, and thorns for fencing purposes, in the unclosed portion of the protected area.—*G. R. No.* 7796, *Dec.* 22, 1881.

17. **Forest Register.**—The following form of forest register should be adopted as Village Form No. 2(*a*). Forest land should be omitted from Village Form No. 2. In the land register (No. 1) the forest numbers should be described as 'reserved' or 'protected' forest.

2.—The forest register will be permanent like Form No. 1. If the forests are hereafter made into new numbers, it will be convenient to retain in Form No. 2 (*a*) both the old survey and new forest numbering. An extra column may be provided for the latter.

3.—The forest register should contain an accurate statement of all rights and privileges. It should be prepared and signed by the Forest Settlement Officer after the work of settlement and demarcation is completed.

FOREST REGISTER.

Táluka *Village*

Survey No.		Area.		Description.			Decision, if any, affecting the land and rights and privileges granted by Government. If grazing has been permitted how much may be closed at a time.	REMARKS.
Survey No.	Survey Pot Nos.	Acres.	Gunthás.	Village Forest.	Protected Forest.	Reserved Forest.		
1	2	3		4	5	6	7	8

G. R. No. 3263, *June* 7, 1881.

In several districts the same officer has been appointed to discharge the duties both of Forest Settlement and Forest Demarcation, and he is then called the Forest Settlement and Demarcation Officer.

The areas of numbers proposed to be disforested should be stated when submitting the necessary notification to Government.—*G. of I. No.* 136-*F.*, *Feb.* 28, 1882.

4.—The papers of a settlement effected by a Settlement and Demarcation Officer when placed before Government should comprise—

(1) A list of already notified reserves as they are to be retained permanently;

(2) A list of notified reserved lands which it is proposed to exclude from reserves with reasons in detail, and the views of the District Forest Officer;

(3) A list of new lands which it is proposed to constitute reserved forest (to be notified under Section 4) with reasons;

(4) A list of lands if any which it is proposed to make protected forest under Section 28; perhaps also

(5) A list of occupied lands which it is desirable to acquire for forests; and

(6) A record of rights awarded in reserves.

The total area of villages, the total waste area, the area transferred to forest, the area of arable waste left for extension of cultivation, the number of cattle, and the provision made for grazing, with proposals as to privileges of cutting and taking grass from reserves and dead wood and thorns from protected areas, should all be clearly set forth.—*G. R. No.* 3245, *June* 3, 1881.

Conservators of Forests, when they propose to prefer an appeal under Section 16, should send copy with a short explanatory report to Government in order to obtain an expression of the views of Government as to the prosecution of the appeal.—*G. R. No.* 3347, *June* 10, 1881.

Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under Section 11 of the Act is communicated to the Conservator of Forests in time to enable him to prefer an appeal under Section 16 within the period specified in that section, should such an appeal be deemed expedient. —*G. R. No.* 4560, *Aug.* 6, 1881.

Survey measurers should be allowed batta at the rate of 6 annas per diem while employed on the work of forest demarcation.—*G. R. No.* 2190, *April* 3, 1882.

18. Rules under the Indian Forest Act, 1878.

Rules under Section 41 for regulating the transit of timber and other forest produce.

1. All words used in these rules and defined in Act VII. of 1878 (The Indian Forest Act) shall be deemed to have the meaning respectively attributed to them by the said Act.

2. No timber or other forest produce shall be moved into or from any of the districts in the Presidency of Bombay mentioned in Appendix A* except by the routes therein respectively specified or by such routes as may be entered in the pass by the Conservator of Forests or by any officer of Government authorized by him in that behalf.

3. No timber or other forest produce shall be moved within any district of the Bombay Presidency, except within the limits of a Reserved Forest (whether a village forest or not) or of a protected forest,

and, except as is hereinafter otherwise provided, no timber or other forest produce shall be moved from or into any such district, without a pass from a Conservator of Forests or from some officer empowered by a Conservator of Forests, or from some person duly authorized under Rule 13 to issue such pass, nor otherwise than in accordance with the conditions of such pass:

Provided that nothing in this rule shall be deemed

(*a*) to apply to timber or forest produce which is the property of Government, or

(*b*) to apply to timber or other forest produce, the property of one person, or the joint property of two or more persons, which is conveyed in quantities not exceeding one head-load once in twenty-four hours, or

(*c*) to require a pass for the removal of any timber or other forest produce within the limits of the village in which it was produced.

4. Every pass issued under the last rule shall specify:

(1) the name of the person to whom such pass is granted;

(2) the quantity and description of timber or other forest produce covered by it;

(3) the places from and to which such timber or other forest produce is to be conveyed, and the route by which it is to be conveyed;

* *Vide* Appendix G to this work.

(4) the period for which such pass is to be in force;

(5) the officer to whom it is to be returned on the expiry of such period, or on the arrival of the timber or other forest produce at its destination, whichever event happens the first.

5. In the case of timber or other forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India, no pass shall be issued under Rule 3 unless upon production of a "Foreign Pass" covering such timber or other forest produce, nor, if such timber be of large scantling, unless it bears a Foreign Property-mark.

6. Every such Foreign Pass must be in a form, and every such Foreign Property-mark must be of a description, which has been registered in the office of the Conservator of Forests of the Division into which it is sought to import such timber, or forest produce, and such Foreign Pass must bear the signature of some officer or other person whose name or official designation has been duly registered in the said office as an officer or person duly authorized to sign such passes.

7. Any timber or other forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India, may be conveyed within such frontier by any of the routes named in Appendix A or by such routes as may be prescribed by the Conservator of Forests or by any officer of Government authorized by him in that behalf as far as the first depôt on such route established under Rule 15, without a pass under Rule 3, if it is covered, by a Foreign Pass in proper form and duly signed and if, in the case of timber of large scantling, it is marked with a registered Foreign Property-mark, but not otherwise.

No such timber or forest produce shall be staked, or deposited in any place between the frontier and such depôt, or be moved beyond such depôt without a pass issued under the said rule.

8. If the Conservator of Forests of the Division shall so direct, no timber of large scantling, which has been imported as aforesaid by any particular route, shall be moved beyond such first depôt without first having a Government transit mark of such description as the said Conservator shall prescribe stamped upon it.

9. In respect of every pass issued under Rule 3 there shall be payable such fee, if any, as the Conservator of Forests shall, from time to time, prescribe with the previous sanction of Government,

for each district, and no such pass shall be issued until the fee so prescribed has been paid.

10. No person who belongs to a community to which a Village Forest is assigned and no inhabitant of a town or village in the vicinity of a Protected Forest, who is permitted to take timber or other forest produce from such forest for his own use, shall be entitled to receive a pass under Rule 3 for the removal of timber or forest produce from such forest to any place beyond the limits of the town or village in which such person resides:

Provided that in the district of Kánara a pass may be issued for moving from the said district any timber which has been given, on payment of the fees to be hereafter prescribed, for a specific purpose, and has been used by the grantee for that purpose,

but only on payment of an additional fee of fifty per cent. on the amount of the fee originally paid, if such timber is being moved by any person other than the original grantee,

unless the Collector, or the Conservator of Forests, or any of their Assistants or Deputies to whom an application may be made in this behalf, shall be satisfied that such timber is being moved for charitable purpose and shall be of opinion that such additional fee should be reduced or remitted,

in which case a pass may be granted either without additional fee or on payment of a reduced fee, as the Collector or other officer aforesaid shall determine.

11. In every other case the owner of timber or other forest produce shall be entitled to receive a pass for the same under Rule 3 for any of the purposes for which such passes may be granted.

12. In the district of Kánara passes under Rule 3 for the moving of timber or other forest produce beyond the inland frontier of the said district will be issued in duplicate, one white and one green, and the date of exit will be recorded upon each of such duplicate passes by the Forest Officer at the appointed watch-house on the frontier, and the green pass shall be surrendered by the holder thereof to such officer, who shall return it without delay to the office from which it was issued.

13. The Conservator of forests may, if he thinks fit, at any time, by an order in writing:

(*a*) authorize any person who is an owner of timber or other forest produce, or the agent of any such owner, to issue passes under Rule 3 in respect of any

timber or other forest produce which belongs to such person, or to the person for whom such person is agent, and

(*b*) cancel such authorization.

When the Conservator of Forests authorizes any person under clause (*a*) of this rule he shall furnish such person from time to time with authenticated books of blank printed forms of passes with the particulars required by clauses (4) and (5) of Rule 4 already filled in, and no alteration shall be made by such person in any of the said particulars, or if made, shall have any validity.

The said person shall pay for each such book such sum as shall from time to time be determined by the Conservator of Forests and in the event of an order being passed by the Conservator of Forests under clause (*b*) of this rule, shall at once return to the said Conservator every unused book and every unused portion of any such book then remaining in his possession, and shall be entitled to receive back the amount paid by him in respect of such unused book or portion of a book.

No pass issued by any such person after the issue of an order under clause (*b*) of this rule and no pass issued by him which is not on a form supplied to him as aforesaid, shall have any validity.

14. Timber or other forest produce in transit may be stopped and examined at any place by any Forest or Police Officer if such officer shall have reasonable ground for suspecting that any money which is payable to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof.

The person in charge of any such timber or other forest produce shall furnish to any such officer all the information which he is able regarding such timber or other forest produce, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer, and shall not in any way prevent or resist the stoppage or examination of the said timber or other forest produce by such officer:

Provided always that no such officer shall vexatiously or unnecessarily delay the transit of any timber or other forest produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such timber or other forest produce, or cause the same to be unloaded for the purpose of examination.

15. The Conservator of Forests may establish at such convenient places as he shall think fit on the routes by which timber or other forest produce may lawfully be conveyed, depôts to which such timber or other produce shall be taken for all or any of the following purposes (namely) :—

for examination previous to the grant of a pass in respect thereof under Rule 3 or under Rule 13, or

for determining the amount of money, if any, payable on account thereof to Government, and for the payment of such money, or

in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

16. A Forest Officer appointed by or under the orders of the Conservator shall have charge of each such depôt, and no timber or other forest produce shall be brought into, stored at, or removed from a depôt without the permission of such officer, and for storing timber or other forest produce in such depôt, and allowing laden carts, or loads or cattle to stand or be deposited therein, such fees shall be payable as the Conservator of Forests, with the previous sanction of Government, shall from time to time notify.

17. The Conservator of Forests shall from time to time make known by notification published in the *Bombay Government Gazette*, and locally in such manner as he deems fit, the name and situation of every depôt in his division.

18. The person in charge of any vessel which carries timber or other forest produce on a river on the banks of which one or more of such depôts are situated, shall call and stop his vessel at each such depôt which he has to pass, in order that the timber or other forest produce may be examined, if necessary, under the provisions of Rule 14, and the person in charge of such vessel shall not proceed with such vessel past any such depôt without the permission of the Forest Officer in charge of such depôt.

19. No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of timber or other forest produce, or throw grass, brushwood, branches, or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

20. Any Forest Officer not lower in rank than a Sub-Assistant Conservator of Forests may take such measures as he shall at any time deem to be emergently necessary for the prevention, or removal

of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of timber or other forest produce, but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act or negligence has caused or is likely to cause the obstruction, to remove or take steps for preventing the same within a period to be named in such notice, and if such person fails to comply with such notice may himself cause such measures to be taken as he shall deem necessary.

The reasonable costs incurred by a Forest Officer or by the Collector under this rule shall be payable to Government by the person whose act or negligence necessitated the same.

21. No person shall establish a saw-pit or convert, cut, burn, conceal or mark timber within one mile of the limits of any Reserved Forest (whether a Village Forest or not) or of any Protected Forest, without the previous written permission of a Forest Officer not lower in rank than a Sub-Assistant Conservator.

22. No timber of large scantling which does not belong to Government shall be moved from any district of the Presidency of Bombay, unless there is affixed thereto a distinguishable Private Property-mark of the owner of such timber of a description which has been registered in the office of the Conservator of the Division, nor (if the said Conservator shall so direct) unless there has been made thereupon a Government transit mark of such description as shall from time to time be prescribed in this behalf by the said Conservator.

23. The Conservator of Forests shall upon receipt of an application for registration of any form, mark, or name for the purposes of Rule 6 or Rule 22, inquire into the authenticity of the same, and if he sees no objection shall, on payment by the applicant of such fee as shall from time to time be prescribed by Government, register such form, mark or name in his office.

Every such registration shall be held good for a period of one year only.

24. No person other than a Forest Officer whose duty it is to use such mark, shall use any property-mark for timber which is identical with, or nearly resembles any Government transit mark, or any mark with which timber belonging to Government is marked and no person shall, while any timber is in transit under a pass issued under Rule 13, alter or efface any mark on the same.

25. Nothing in the foregoing Rules 2 to 24—both inclusive—shall be deemed to apply to the Province of Sind.

In that Province the special rules contained in Appendix B shall be applicable.

26. Any person who breaks any of the foregoing Rules 2 to 24—both inclusive—or any of the rules contained in Appendix B shall be punished with imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

27. Nothing in the foreging Rules 2 to 26—both inclusive—shall be deemed to apply to the city of Bombay as defined in the Bombay General Clauses Act 1866.

APPENDIX B. (*see* RULE 25).

Special Rules under Section 41 of the Act for the Province of Sind.

1. All words used in these rules and defined in Act VII. of 1878 (The Indian Forest Act) shall be deemed to have the meaning respectively attributed to them by the said Act.

2. No timber or charcoal shall be brought within the municipal limits of the cities of Shikárpur, Sukkur, Rohri, Larkhana and Hyderabad except by the roads and landing-places below mentioned (namely):—

Roads.	*Landing places.*
Shikarpur... Abad Melani, Sukkur, Larkhana, Ghari Yasin, Ghari Khaira, Jagun Jacobabad, Zarkheyl and Khanapur roads.	On the Sind Canal at Lakhi Tor.
Sukkur ..... Abad Melani, and Shikarpur roads.	Sukkur Bandar.
Rohri .....Multan and Hyderabad roads.	Rohri Bandar.
Larkhana ... Bakrani and Nao-dero roads.	Bank of Ghar canal within 200 yards on either side Forest Department, Wood Depôt.

Hydrabad...	Road over old Phuleli Bridge, road over new Phuleli Bridge, Hyipur and Gidu bandar roads	Gidu Bandar and near bridge over the New Phuleli.

3. No person shall remove any timber or charcoal from any Reserved or Protected Forest without a pass signed by the Forest Officer in charge of such Forest, or otherwise than in accordance with the conditions of such pass.

Every such pass shall specify—

(1) the quantity and description of the timber or charcoal which it covers,

(2) the name of the person removing such timber or charcoal,

(3) the name of the Forest from which it is removed, and

(4) its destination.

4. No person who wishes to remove any timber sufficient to make a cart or camel-load from any land which is not included in a Reserved or Protected Forest, shall remove the same from or to any place within twenty miles from a Reserved or Protected Forest, without obtaining from the holder or manager of the land or if such land be Government waste land, from the Tapedar of the tapa, a written certificate setting forth the quantity and description of the timber to be removed and the date of its removal.

5. No person shall bring firewood or charcoal, the produce of any land not included in a Reserved or Protected Forest, for sale into the cities of Shikárpur, Sukkur, Rohri or Hyderabad without a pass signed by a Forest Inspector, or a Tapedar, and setting forth the quantity and description of the firewood or charcoal covered thereby.

6. Every person in charge of any timber or charcoal to which any of the last three rules is applicable, shall retain the pass or certificate relating to such timber or charcoal in his possession so long as the same is in transit, and shall, on demand, produce the pass or certificate for inspection by any Forest or Police Officer, and if such timber or charcoal is being conveyed into the city of Shikárpur, Sukkur, Rohri, or Hyderabad, shall produce the pass or certificate at the stations called "Guards," established on the routes leading to those cities for examination.

The Conservator of Forests may, if he thinks fit, at any time by an order in writing—

(*a*) Authorize any person who is the owner of timber, charcoal or other forest produce, or the agent of any

such owner, to issue passes for the moving of any timber, charcoal or other forest produce which belongs to such person or to the person for whom such person is agent, and

(*b*) Cancel such authorization.

When the Conservator of Forests authorizes any person under clause (*a*) he shall furnish such person from time to time with authenticated books of blank printed forms of passes.

Every pass issued by a person authorized under clause (*a*) shall specify—

1*st*.—The name of the person to whom such pass is granted.

2*nd*.—The quantity and description of timber, charcoal or other forest produce covered by it.

3*rd*.—The places from and to which such timber, charcoal or other forest produce is to be conveyed and the route by which it is to be conveyed.

4*th*.—The period for which such pass is to be in force.

5*th*.—The officer or person to whom it is to be returned on the expiry of such period or on the arrival of the timber, charcoal, or other forest produce at its destination, whichever event happens the first.

The person authorized to issue passes shall pay for each book of passes such sum as shall from time to time be determined by the Conservator of Forests, and in the event of an order being passed by the Conservator of Forests under clause (*b*) shall at once return to the said Conservator every unused book and every unused portion of any such book then remaining in his possession, and shall be entitled to receive back the amount paid by him in respect of such unused book or portion of book.

No pass issued by any such person after the issue of an order under clause (*b*) and no pass issued by him which is not on a form supplied to him as aforesaid shall have any validity.—*G. R. Nos.* 4133, *August* 9, 1880; *No.* 1095, *Feb.* 22, 1881; *No.* 2363, *April* 27, 1881; *No.* 5954, *October* 10, 1881; *No.* 18, *Jan.* 4, 1882; & *No.* 1559, *March* 8, 1882.

Rules under Section 51.

1. Any person may collect timber of any of the descriptions set forth in Section 45 of the Act, and, pending the bringing of the same to the proper depôt for the reception of drift-timber, may

keep the same in his own custody, but he shall report his having done so within twenty-four hours to the nearest Forest Officer.

2. Any person may register in the office of the Conservator of Forests one or more boats for use in salving and collecting timber, on payment of a fee of one rupee for each boat.

Such registration shall hold good for the period of one year only, but may be repeated from year to year.

3. Every person, whether a Forest Officer or not, who collects any such timber shall be entitled to receive a recompense equal to 15 per cent. of the estimated value of the timber. Such estimate shall be made by any Forest Officer not lower in rank than an Assistant Conservator of Forests, whom the Conservator specially authorizes in this behalf, and the recompense shall be paid at once by Government;

Provided that when the timber has been recovered by means of a boat registered for use in salving and collecting timber, the person who collected it shall be entitled to receive a recompense equal to 25 per cent. of its estimated value, and that in special cases the Conservator may increase the amount of the recompense to a sum not exceeding 50 per cent. of the value of the timber collected.

4. If the timber collected shall be proved to be the property of any person other than Government, such person shall be liable to pay to Government under Section 50 of the Act the following amounts (*viz.*):—

(1) on account of salving and collecting, the actual amount of recompense paid to the person who collected it;

(2) on account of moving, the actual cost incurred in moving it to the depôt for the reception of drift timber;

(3) on account of storing, such fees as shall from time to time be fixed by the Conservator of Forests, with the previous sanction of Government, for the storing of timber at such depôt.

5. No person other than a Forest Officer authorized in this behalf by the Conservator of Forests shall mark any timber, or have in his possession any hammer for marking any timber to which these Rules refer.

6. Any person who breaks Rule 1 or Rule 5 shall be punished with imprisonment for a term which may extend to six months, or fine which may extend to five hundred Rupees, or both.—*Notification No.* 5587 *A, October* 20, 1879.

Rules under Section 75.

1. One-half of the proceeds of fines and confiscations under the Act shall be paid by way of reward to the officers and informers through whose instrumentality the conviction was obtained, or the property liable to confiscation was discovered: provided that the Magistrate who tries any case under the Act may, if he thinks fit, direct that a larger amount than one-half shall be so paid.

When more persons than one are entitled to the reward under this rule, the Conservator of Forests shall determine the proportions in which it shall be divided amongst them.

2. No person who holds land on which trees are growing which are the property of Government shall cut, lop or in any way injure any such tree, or knowingly and wilfully permit any other person to cut, lop or in any way injure the same without having first obtained the permission of the Collector, or, in the case of teak, blackwood or sandalwood trees, of the Conservator of Forests.—*Notification No.* 5587, *October* 20, 1879.

18. **Powers of Forest Officers.**—Powers under sections 20, 45, 46, 52, and 63 of the Indian Forest Act are conferred on Conservators, Deputy Conservators, and Assistant and Sub-Assistant Conservators, while powers under sections 25 (*c*) and 47 are conferred on the Principal Forest Officer in each District, and those under section 16 on the Conservator only.

For the purpose of section 24 of the Act the Collector is the duly authorized officer with whose previous sanction the Forest Officers should exercise the power to stop ways and water courses in reserved forests.—*G. R. No.* 6656, *Dec.* 26, 1878.

The power of accepting money under Section 67 of the Act is conferred on Conservators, Deputy Conservators and Assistant Conservators *ex-officio* with the proviso that the Conservators are to withhold the power from any Assistant Conservator to whom they consider it undesirable to entrust it.

Conservators, and Deputy, Assistant and Sub-Assistant Conservators are appointed to exercise the powers of a Forest Officer under Sections 55 and 56; the Principal Forest Officer of a district to exercise the powers of a Forest Officer under Sections 24, 25, 33, 36, 37, 38, 50, 71 and 82; and Rangers, Foresters, and Forest

Guards to exercise the powers of a Forest Officer under Sections 45, 52, 63 and 69 of the Act.

Conservators are also empowered ex-officio to exercise any of the powers assigned to their subordinate officers.—*Govt. Notif. No.* 2186, *April* 24, 1879.

Powers of a Forest Officer under section 55 of the Act are conferred on Forest Rangers and Foresters.—*G. R. No.* 6008, *Oct.* 12, 1881.

19. **Boundary marks.**—Prickly-pear is not to be used for the fencing of Government reserves when any other description of hedge is available.—*G. R. No.* 2169, *May* 7, 1870.

20. Economy should be practised in the erection of boundary marks. There is no necessity for the larger ones being so near together as at intervals of a hundred feet.—*G. R. No.* 4082, *Aug.* 23, 1871.

21. **Records.**—I.—When any demarcation has been finally sanctioned by Government, the Demarcation Officer should forward to the Revenue Survey Department, through the Conservator of Forests, the copy of the village maps on which he has laid down the boundaries of the land included in the reserves, showing by a distinguishing colour whether the reserve is of the first or second class; and in cases where both classes of reserves are represented on the same map, indicating each by different colours. The position of the forest boundary marks should also be entered in the map.

II.—The map should be accompanied with a statement showing in a tabular form the survey numbers, areas, and assessment of the lands included in the reserves.

III.—On receipt of these papers the Superintendent of Survey will make the necessary correction in the survey records, returning the demarcation map to the Conservator.

IV.—The Superintendent should, at the same time, furnish the Conservator with two fresh copies of the village map with the forest boundaries shown thereon.

V.—The Superintendent should make the reduction of assessment appertaining to the lands taken up for the reserve, reporting the amount to the Revenue Commissioner in view to his issuing orders for its deduction from the village accounts.—*G. R. No.* 7270, *Dec.* 11, 1876.

[It is not necessary to give here the orders as to the register of State Forests which is to be kept after demarcation. They will be found in *G. of I.* 30-39, *March* 3, 1875.]

22. **Grazing rights.**—When forest reserves, as in Colaba, include hills, the rights of grazing which the villagers have hitherto enjoyed on the tops of the hills are not to be interfered with. The Forest Officers may arrange with the villagers to set apart for plantation purposes certain parts of these hill-tops on the understanding that they will again be available for grazing when the trees have attained a certain height, but no kind of pressure is to be used.—*G. R. No.* 4082, *Aug.* 23, 1871.

NOTE.—This is now provided for in the Forest Act.

23. In respect to reserved numbers forming part of the village grazing land the rights of the villagers must be scrupulously respected.

Independently however of kooruns properly so called, there are vast areas of bare hill-sides, which at present produce a crop of grass so scanty and coarse as to be almost valueless. It would be highly beneficial to all interests if a quantity of this land were made over to the Forest Department with a view to re-clothing the hill-sides with even scrub jungle; and any proposals to this effect will meet with favourable consideration.—*G. R. No.* 6093, *Nov.* 4, 1873.

(*From Resolution on Forest Settlement of Khandesh*).

Grass may be cut and removed in all reserves free of charge by the inhabitants of all villages the lands of which have been reserved or protected. This will protect the reserves from jungle fires, and will conciliate the people. No cutting of timber is to be allowed in reserved forests, but trees, other than the sixteen reserved kinds, and also grass and dead wood of any kind may be taken from the unclosed portion of the protected forests, but not from Government waste reserved for cultivation, in which latter the trees will be disposed of according to the rules under the Revenue Code.—*G. R. No.* 3284, *June* 8, 1881.

No objection exists to permitting the villagers to take wood, grass and dead wood from Government unarable waste which is not included in protected or reserved forests, or to remove thorns from all Government waste.—*G. R. No.* 4639, *Aug.* 10, 1881.

24. **Trees in fields.**—The fact of a village being one in which the right of cutting teak and blackwood is specially reserved cannot render it necessary to prevent a man from doing as he pleases with the common junglewood growing on his own land.—*G. R. No.* 625, *Feb.* 17, 1868.

25. When Government at the Survey Settlement have felled all the teak and blackwood in a ryot's field there should be no further interference, and Government have no claim to the second growth which may spring up from the old roots and stumps.—*G. R. No.* 2291, *June* 18, 1864, *and No.* 2505, *July* 1, 1868.

When rights on teak trees in Government lands have been parted with the fact should be noted in the village register, and no teak in Government land should for the future be disposed of to occupants but should be reserved as Government property. Care should be taken that the entries in the registers are not made without due enquiry and confirmation by the Assistant Collector, for such entries will bar the rights of Government and there is great temptation to make them fraudulently. A statement of fields in which Government has parted with its rights should be prepared showing the amount paid for trees, and when the whole has been confirmed by the Assistant Collector, entries may be made.—*G. R. No.* 3480, *July* 10, 1878.

Rules 93—98 under the Land Revenue Code do not apply to warkas lands in the Konkan (Thána, Kolába and Ratnágiri) the reserved trees in which shall be reserved as heretofore and be available for Government cuttings to be made by the Forest Department from time to time in consultation with the Collector. The purchase of trees or timber thus sold or cut by the Forest Department will confer no right to the aftergrowth of stumps of trees thus sold or cut, which aftergrowth is reserved equally with the trees, any orders to the contrary being cancelled as regards the Thána, Kolába and Ratnágiri Collectorates from the date of the publication of this rule.—*G. R. No.* 3462, *May* 5, 1883.

The above rule should be held applicable to 'betta' lands in Kanara.—*G. R.* 3906, *May* 22, 1883.

1.—The above special rule and the demarcation of forests in progress will obviate all danger of the destruction of forests on watersheds and mountain slopes which is urged as a reason for not disposing of the trees in occupied numbers to the occupants.

2.—The Government trees in numbers which have been registered for future inclusion in forests should not be disposed of, and the Collector has full discretion not to grant the right of occupancy of numbers which contain valuable trees. Teak trees growing in occupied numbers which are not and never will be required for inclusion in forest may be sold to owners or holders.

3.—As the demarcation and settlement of forests is now well advanced, it is expedient, as a general rule, that the sale of the trees to the occupants should follow on the completion of the settlement. The area of forest will then have been finally determined, and the trees on occupied numbers not included or to be included in forests should pass into the charge of the Collector, who should offer the whole of the trees on each number to the occupant at a fair upset price. The procedure suggested by the Survey and Settlement Commissioner should be followed, viz., that "the option "of purchasing at that price should be continued to the cultivator "for a period of say two years, in order that, if not possessed "of the necessary funds at once, he may try to scrape the amount "together. Lists showing all the numbers the reserved trees in "which have not been sold outright and stating the upset price "of the trees should be hung up in the cháudi of the village, so "that there may be no chance of any misunderstanding." If the occupant finally declines to purchase, the reserved trees should be cut and removed by the Forest Department.

4.—There will be no necessity for a separate register if every sale out and out of reserved kinds of trees to the occupant is communicated by official order of the Mámlatdár to the village accountant, who can record the fact with number and date of order in the column of remarks in the village register (Hope's Form No. 1). —*G. R. No.* 3906, *May* 22, 1883.

26. If the Government property in trees is once disposed of at a valuation, all right of interference in any trees growing in the village will thereafter cease.—*G. R. No.* 3412, *Sept.* 18, 1868.

27. There should be no interference on the part of Government with teak and blackwood or any other trees growing on Dhára land.—*G. R. No.* 1240, *March* 28, 1868.

28. The following memorandum by the Legal Remembrancer, No. 193 of Feb. 9th, 1882, concerns trees in "warkas" lands and was concurred in by Government in G. R. No. 1573, March 8, 1882.

"The question in this correspondence relates to the right to the trees growing on warkas land in the Umbargaon Mahál of the Dáhánu Táluka in the Thána District.

"2. The warkas lands in this Mahál were demarcated, assessed and entered in the names of the several holders at the time of the survey, and the settlement was finally sanctioned by Government on 13th February 1865. The settlement, therefore, is clearly one that was completed after the passing of Bombay Act I. of 1865, as that Act was promulgated on 21st January 1865. Consequently, the provisions of Section 40 of that Act applied to that settlement.

"3. There was no reservation as to trees made at the time, but when the remainder of the Dáhánu Táluka was settled, the Survey Department issued a notification for the Dáhánu Táluka, in the third clause of which is a declaration to the following effect:—

'The warkas land not having been measured until now, the cultivators used to take for the cultivation of their fields ráb and táhál (material for ash-manure) free of assessment. These lands have been measured at the time of the survey and assessment fixed on them, and the names of those who used to take ráb and táhál from these lands have been entered in the records. From the jungles of these numbers the persons in whose names they are entered are at liberty to cut for their subsistence, that is to say for field and household use, all trees with the exception of teak, blackwood and tiwas, but nobody has been given authority to act according to Section 40 of the Act or to trade in wood.'

"4. This clause is clearly a sufficient declaration on behalf of Government regarding warkas land not only in that portion of the Dáhánu Táluka the settlement of which still awaited the sanction of Government, but also in the Umbargaon Mahál of the same táluka. It cannot for a moment be supposed that the Survey Department intended to treat Umbargaon exceptionally, or that Government ever sanctioned such a course. There is not a single reference in any of the correspondence to any such exceptional treatment.

"5. It is true that section 40 of Bombay Act I. of 1865 enacts that settlements completed after the passing of the Act 'include the concession of the right of Government to all trees growing on that land which are not *then* specially reserved.' But this Section has been repealed by the Land Revenue Code, 1879, Section 40 of which enacts that where the original Survey settlement has been completed before the passing of this Act, the right of Government to all trees

in unalienated land except trees reserved by Government or any Survey Officer whether by express order made at or *about* the time of such settlement, or by notification made and published at or *at any time after* such settlement, shall be deemed to have been conceded to the occupant.

"6. There is really no change in the law here. The word 'then' in Section 40 of the repealed enactment was never intended to be construed to mean the actual progress or completion of a settlement, and this intention is made clear and unmistakeable in the repealing enactment.

"7. The general policy of Government in respect of all warkas lands is clearly expressed in the notification made by the Survey Department for the Dáhánu Táluka, in common with other parts of the Thána District, promulgated at or about the time of the settlement, and it is certain that there never was the least intention on the part of Government to give up anywhere the right the reservation of which that policy dictated.

"8. When the survey was first introduced in the Konkan, about the year 1854, the plan originally adopted was to put a slight additional assessment on the rice lands in consideration of the holders being allowed to cultivate the warkas land in the village and exercise the ancient privilege of taking ráb therefrom. This plan was not approved of, and in 1856 Government directed that warkas land should be demarcated and assessed which was accordingly done.

"9. This is referred to in the third clause of the notification which I have quoted above, and the whole clause is one of general application, certainly as far as the entire Dáhánu Táluka is concerned. It is not open to any one to say that Government has kept silence in regard to trees growing on warkas numbers and thereby conceded its right to them.

"10. It will be seen from the subsequent correspondence, copies of which and of the vernacular notification and its English translation accompany, that the Commissioner, N. D., is only doubtful whether the law should be strictly or equitably interpreted, but I trust I have shown there is no room for doubt."

29. **Kooruns.**—As a rule all Kooruns or Birs in the neighbourhood of large towns should be converted into babool reserves, and a stipulation made at the time of the annual sales that the

grass is to be cut and not grazed. This order does not of course apply to Survey numbers specially set aside for the grazing of particular villages.—*G. R. No.* 1751, *April* 26, 1865.

30. The Forest Conservators are allowed, throughout the Presidency, subject to the approval of the Commissioners, to select such Kooruns as they may deem suitable for fuel reserves. In course of time it is hoped that all Kooruns naturally adapted to the growth of wood may be planted, and without hindrance to grazing. They should be selected in rotation. After the first year it will probably not be found necessary to exclude cattle.—*G. R. No.* 3756, *Aug.* 6, 1870.

31. After the claims of villagers to a reasonable and sufficient quantity of grazing land have been satisfied the requirements of the Forest Department may be attended to. Isolated Kooruns at a distance from large towns should not be made over to that department in order to swell its receipts by the levy of grazing fees or the sale of grass. The claims of the department to Kooruns in the plain villages are only to be acknowledged where it intends *bonâ fide* to plant in order to supply the fuel requirements of the country.—*G. R. No.* 5190, *Sept.* 29, 1874.

32. **Roadside trees.**—It should be the object of the Forest Department and the local Revenue Officers to utilize as fuel plantations every available piece of ground in the vicinity of a large town, and the latter should consider it part of their duty to sow and plant with babool, bamboo, or other useful trees, the sides of all roads and cart-tracks. The duty of the Forest Officers in this matter is confined to advising the local Revenue Officers, and is not to extend to actual conservation. The work of planting roadside trees of a kind which require fencing and watering can best be done by the Revenue Department through the agency of the village officers, but it should be the special business of the Forest Department to look after other descriptions which do not require special tending.—*G. R. No.* 5195, *Oct.* 17, *and No.* 5716, *Nov.* 15, 1871.

NOTE.—For rules as to the planting of roadside trees by Revenue Officers see Chapter IV.

33. The Forest Department are to further as much as possible the growth by roadsides of bamboos, babul, and other descriptions of trees requiring no special tending. A few days devoted to this

work at the beginning of the rains will effect all that is wanted.—*G. R. No.* 3577, *June* 23, 1873.

34. **Fuel.**—Where the commodity is scarce wood must be supplied by the department to meet urgent wants, else it will cause a feeling of discontent in the large towns, by creating a wood famine. The people must have a certain amount of wood so long as it is there, and if we don't place it within their reach they are sure to obtain it in other ways more injurious to conservancy and general interests than if made available by the department cutting down old and useless growth with the object of filling up the blanks with better stuff.—*G. R. No.* 6144, *Nov.* 6, 1875.

35. Care must be taken that fuel plantations are not made on too extensive a scale, or so as to interfere with more profitable cultivation.—*Sec. of State, Dec.* 24, 1864.

36. **Wood required for Government.**—Timber for local fund purposes must be paid for in the same way as that required by any other department of Government.—*G. R. No.* 1657, *April* 22, 1869.

37. Timber will be supplied by the Forest Department to the Public Works Department, on the submission of annual indents, at the rates realized at public auctions. For any further supply of timber the department may require they must compete with the general public.—*G. R. No.* 3962, *Aug.* 20, 1870.

38. The Forest Department must attract not compel custom from other public departments, which are not expected to make any sacrifice for the benefit of the forest revenues.—*G. R. No.* 4862, *Oct.* 1, 1872.

39. **Local Funds.**—Sale proceeds of the Government rights in trees in occupied numbers cannot be made over to the Local Funds, nor any other item of forest revenue.—*G. R. No.* 2973, *July* 13, 1865, *and C. of I. No.* 217, *April* 1, 1855.

40. No transfers of expenditure from Local Funds or other accounts to the Forest Department are to be made without the Conservator's cognizance.—*G. R. No.* 4732, *Oct.* 1, 1870.

41. Funds for encouraging the growth of trees cannot be provided by Imperial grants, and no outlay from forest funds on such objects should be granted without the opinion of the Conservator being asked.—*G. R. No.* 4405, *Sept.* 13, 1870.

Loose stones, and the ruins of old buildings whether composed of cut stone or of bricks clearly do not come within the category of articles included in the definition of forest produce.

The concession granted to the Public Works Department exempting that Department from the payment of fees for stone obtained for public purposes from quarries situated in lands included within reserved forests may be extended to the Local Funds Department.—*G. R. No.* 1802, *March* 28, 1881.

42. **Forest Revenue.**—Where forest reserves have been surveyed and demarcated, the proceeds of any land revenue derived from fields cultivated within the limits are to be credited to "Forest." Where, as in Tanna, it has not been found possible to include large cultivated areas producing teak in reserves, the value of the teak is alone to be credited to Forests, and not the revenue derived from cultivation.—*G. R. No.* 342, *Jan.* 22, 1874.

43. When trees either living or dead, whether in assessed or waste lands, are felled by the Collector's orders, or fall of themselves, the proceeds are credited to the Forest Department.—*G. R. No.* 4545, *Aug.* 9, 1876.

44. The sale proceeds of teak trees in ryots' fields are credited to the Forest Department.—*G. R. No.* 5462, *Oct.* 2, 1873.

45. The disposal of grass in forest numbers should, as in the case of other forest produce, be entirely at the discretion of the Conservator's Department, in communication with the Collector.

Grass in numbers which have not been reserved as forest should be retained under the management of the Revenue Department.—*No.* 4068, *Aug.* 24, 1870.

46. **Free grants of timber.**—Up to January 1880 certain officers possessed the power of making free grants of timber for—

1st.—Repair and construction of—

Village chowras, village schools, dhurumshalas, public wells, bridges over nullas and water courses.

2nd.—Repairs to village churches, temples, or mosques.

3rd.—Houses of agricultural classes paying revenue to Government; to be given only when the officer considered the circumstances of the applicant to call for the grant.

4th.—Agricultural implements, wells for irrigation, and other agricultural improvements, to be granted on the same grounds as No. 3.

Mamlutdars might make grants up to Rs. 20 and Assistant Collectors and Collectors up to Rs. 50. The privilege has, however, been now withdrawn, with the exceptions given below.

Subject to any rules which may hereafter be passed under the Indian Forest Act, no grant of free wood is allowed under any circumstances for any purpose without the previously obtained sanction of Government, except in the

(*a*) Mandvi Taluka of the Surat District, the Assistant or Deputy Collector in charge of which Taluka is authorized as a special case to grant free wood to people in that Taluka to the extent of Rs. 20 in each case without the previous sanction of Government.

(*b*) In the Panch Mahals, for which District a concession similar to that granted for the Mandvi Taluka is sanctioned. The Collector is also authorized to make free grants of wood of the value of Rs. 4 for the construction of cattle pounds.

(*c*) The Kanara District, in which the permit rules sanctioned by Government in 1872 continue in force.

(*d*) The Belgaum and Bidi Talukas of the Belgaum Collectorate, in which Talukas free grants of wood are allowed without previous reference to Government but after consultation with the Forest Officers in those Talukas.

(*e*) Certain Talukas of the Nasik, Khandesh, Ahmednagar, Poona, and Satara Districts. The Collectors of these Districts are empowered to make, without previous reference to Government, free grants of timber in the case of poor people whose houses have been destroyed either by fire or flood, and also, in special cases, for the construction of dwellings where the hill people are too poor to purchase wood, but they are required to submit quarterly returns showing the number of free grants so allowed, the quantity and value of timber given in each case, and the reasons for each grant. The Collector of Khandesh is also granted the discretionary power to make free grants of timber for agricultural purposes in cases in which he is satisfied that such free grants are absolutely necessary.—*G. Rs. Nos.* 335, *Jan.* 21, 1880; 2426, *May* 7, 1880; 3760, *May* 20, 1880; 5, *Jan.* 3, 1881; 1250, *March* 9, 1880; 5977, *Nov.* 12, 1880; 6664, *Dec.* 16, 1880; 6952, *Nov.* 21, 1881.

The new ruling that the previous sanction of Government should be obtained to free grants of timber is not applicable to Sind. Government, however, rely upon the Commissioner in Sind to take

effectual measures to prevent any undue or unnecessary injury to the Government forests, and any abuse of the privilege of procuring wood free of cost.—*G. R. No.* 5977, *Nov.* 12, 1880.

It is also not applicable to the Pal Tapa Colony, but Government expect the Collector and the Assistant Collector in charge of the Taluka in which Pal Tapa is situated to take all necessary precautions to prevent any abuse by the colonists of the privilege conferred upon them.—*G. R. No.* 2872, *June* 3, 1880.

The value of free grants of wood supplied to the Educational Department should be credited to the Forest Department and debited to Local (Education) Funds.—*G. R. No.* 2331, *May* 3, 1880.

It was never intended to make free grants of wood to men whose resources would enable them without much difficulty to purchase it. —*G. R No.* 1771, *March* 15, 1882.

In the Southern Division the practice prevailing in Kanara and Belgaum, of calculating the value of the wood given free or on payment for local use according to the seignorage fees should remain unchanged. In the Northern Division the year's auction sale rates in a district should be taken as the standard for calculating the value of free grants of wood made therein.—*No.* 3371, *June* 11, 1881, *and No.* 3707, *June* 28, 1881.

The value of many concessions of free grants of wood has been very much reduced by delay on the part of the Forest Department in supplying the timber. Government trust that the Conservator will take care that there may be no complaints on this subject, and it will be the duty of the Collector to prevent any unnecessary delay. —*G. R. No.* 2331, *May* 3, 1880.

Government do not consider it necessary to compel the Postal Department to pay for the comparatively small quantity of wood which is apparently required by it for sheds for postal runners, torches, &c., Government however expect that the Commissioner and the Conservator of Forests will take all measures needed to prevent any abuse of the privilege on the part of the subordinates of the Postal Department and any injury to the forests.—*G. R. No.* 4061, *Aug.* 5, 1880.

47. **Rewards to informers.**—Where wood is recovered or confiscated through the instrumentality of informers, the Conser-

vator may in case of conviction grant the informers a reward not exceeding one-third of the value, but these rewards are to be set down as a charge in the accounts, and the gross proceeds of the sale of the wood credited.—*G. R. No.* 1106, *March* 16, 1865, *and G. of I. No.* 1974, *April* 20, 1866.

48. All forest fines magisterially levied must be credited to "Law and Justice," but the officer deciding the case may, in his capacity of Collector or Assistant, award such reward as he may deem proper to the informer. "Rewards to informers" is an item regularly included in the Forest Budget under the head of Contingencies, and care must be taken that the sum allowed for under this head is not exceeded.—*G. R. No.* 1759, *May* 8, 1867.

49. **Prosecutions.**—The penal clauses of the Indian Forest Act are applicable in cases in which the rights of Government or private persons to or over land notified as reserved forest under Section 34, or the forest produce thereof, have been inquired into, settled, and recorded in a manner which Government think sufficient as at a demarcation previous to notification or after the inquiry by a Forest Settlement Officer appointed under Chapter 2 of the Act.

2.—Government do not consider that prosecutions under the above mentioned clauses will lie with respect to lands in which a proper forest settlement or demarcation has not already been carried out or which are still the subject of inquiry by the Forest Settlement Officer, and regarding which his report has not yet been submitted to and approved by Government.

3.—Government have already ruled that grazing and ráb are not rights but merely permissive privileges.

4.—The Honourable the Governor in Council would impress upon the officers of the Forest Department the absolute necessity for the exercise of the greatest care and forbearance in the institution of prosecutions under the Forest Act. Criminal charges under the Act should only be preferred after warnings have been disregarded, and in cases where no reasonable doubt can exist that the offender has intentionally and knowingly transgressed the provisions of the Act and has not merely ignorantly acted in accordance with previous custom or in pursuance of a right which he in good faith believed that he possessed.—*G. R. No.* 2206, *Apr.* 26, 1880.

It is in the opinion of His Excellency the Governor in Council most undesirable that ignorant villagers should be prosecuted in the

Criminal Courts for taking from the Government forests a few twigs or small branches or a little brushwood of inappreciable value. In no instance at all events should a person be prosecuted for a first offence of so exceedingly trivial a nature. A mere warning on the part of the Forest Officer would suffice. But if after being detected and warned once or twice the same person is again discovered cutting Government trees, the circumstances of the case would be altered, and wilful and repeated infractions of the law may form a suitable and proper ground for criminal prosecution. As far as possible, however, such prosecutions should be avoided, and recourse should only be had to them when real injury is being caused to the Government forests and when there is good reason to believe that the offender is deliberately and of set purpose transgressing the law.—*G. R. No.* 5730, *Oct.* 28, 1880.

Execution of Contracts and other instruments by Forest Officers.

Contracts and other instruments in matters connected with the administration of forests and with the business of the Forest Department in the Bombay Presidency generally may be executed within the limits of their respective charges, by

(1) Conservators, whatever be the amount or value of the subject-matter of the contract or other instrument;

(2) Deputy Conservators, if such amount or value do not exceed Rs. 5,000;

(3) Assistant Conservators, if such amount or value do not exceed Rs. 1,000;

(4) Sub-Assistant Conservators, if such amount or value do not exceed Rs. 200:

Provided always that no Forest Officer of any grade below that of Conservator shall execute any contract or other instrument without, or otherwise than in accordance with, the previous sanction of the Conservator to whom he is subordinate, given either expressly or generally in connection with the sanctioned working plan of a season, and that every contract or other instrument executed by any such officer shall be drawn in a form which has been approved by the said Conservator.—*Government Notification No.* 650, *Feb.* 4, 1879.

A list of persons declared ineligible to take up any Government contracts, with space to add other names when necessary, shall be

hung up in every Mamlatdar's Kacheri, and in the Huzur Deputy Collector's office, and a similar list shall also be kept in the Collector's and his Assistants' offices, and it shall invariably be consulted whenever the letting of a contract is under consideration.—*G. R. No.* 868, *Feb.* 11, 1881.

Forest fires.

Forest fires are caused by—

(*a*) Travellers throwing away the still burning end of their cigars into the dry and inflammable grass standing on the sides of roads and pathways, which lead through forests.

(*b*) Travellers cooking food inside a forest reserve and proceeding on their journey after their meal without extinguishing properly the fire ignited by them.

(*c*) The careless burning of ráb on the borders of forests. The rayat sets fire to the ráb on his field adjoining a forest, then goes home without first seeing that the fire has consumed itself.

(*d*) Evil disposed people to spite a grass contractor setting fire to forests in view to the destruction of the contractor's grass.

(*e*) Sparks from engines of passing trains igniting grass.

(*f*) Wild tribes setting fire to the grass round 'earths' in order to smoke out rats and other vermin, and allowing the fire to extend and burn regardless of consequences.

(*g*) Mhowra gatherers setting fire to the grass under Mhowra trees so as to obtain a clear floor underneath the tree for the berries to fall upon. The spread or burning out of these fires is mostly left to chance.

(*h*) The deliberate burning of tall grass in big forests by jungle people and travellers in order to destroy cover for big game such as tigers, panthers, bears and pigs.

(*j*) Invasion of fire from foreign territory where as a rule fire conservancy is unknown.

(*k*) The deliberate firing of pasturage forests by Dhangars, Gowlies and professional graziers under the belief that by the action of fire an earlier or more vigorous growth of grass is secured.

REVENUE DEPARTMENT.

Bombay Castle, 26th March 1895.

No. 2421.—In exercise of the powers conferred by Section 214 of the Bombay Land Revenue Code, 1879, and in modification of No. 102 of the Rules made under the said section and published as noted in the margin, His Excellency the Governor in Council is pleased to direct as follows, viz.:—

Notification No. 7368 at *Bombay Government Gazette*, 1881, Part I, pages 795 to 816.

In No. 102 of the said Rules under Section 214 of the Bombay Land Revenue Code, 1879, after the words "are found" at the end of the first paragraph thereof, there shall be added the following, viz.:

"Provided that in special cases the Commissioner may so far relax this rule as to limit its requirements as to annual inspection and record to a *specified portion* of any specified village, but not so as to extend beyond three years the period within which the inspection and record in respect of all the boundaries of any village shall be completed."

By order of His Excellency the Right Honourable the Governor in Council,

J. NUGENT,
Chief Secretary to Government.

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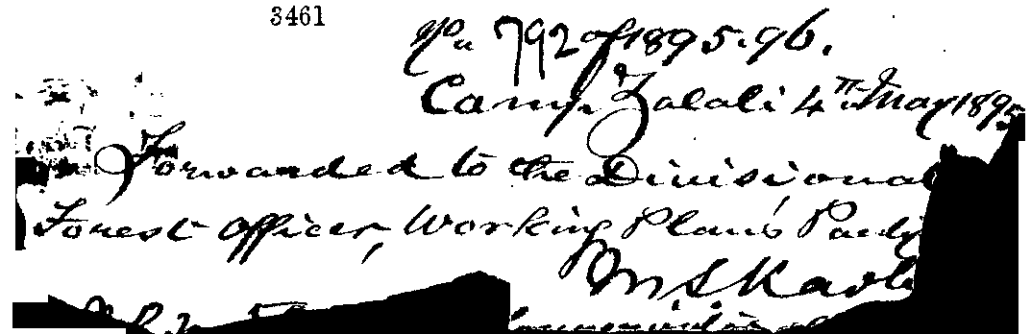

REVENUE DEPARTMENT.

Bombay Castle, 30th April 1895.

No. 3216.—In exercise of the powers conferred by Section 214, Bombay Land Revenue Code, 1879, His Excellency the Governor in Council is pleased to modify No. 34*J* of the Rules made under the said section published by Notification No. 8325, *Bombay Government Gazette* for 1885, Part I, pages 1203-1204, by directing as follows :—

For the last para. of No. 34*J* of the said Rules there shall be substituted the following, viz. :

No such permission shall, in either of the cities of Ahmedabad, Surat or Broach, be given except by the Collector of the district or by an Assistant or Deputy Collector to whom power in this behalf has, under the general orders of Government, been assigned by the Collector under Section 10 of the Bombay Land Revenue Code.

By order of His Excellency the Right Honourable the Governor in Council,

J. MONTEATH,
Acting Secretary to Government.

No 1235 of 1895/96
Nagargali 24th May 1895
Forwarded to the D.F. Officer, working Plan Party II
390
D.R. No 87 28/5/95.
M.S. Kale
for Conservator of Forests

The following measures should be adopted to ensure fire conservancy :—

First.—A system of fire traces should be introduced in all districts, a complete scheme should be prepared for each reserve, and should be illustrated upon the map of the reserve.

a. The grass over one chain or 33 feet on both sides of a cart road, or of a public highway where it passes through a forest reserve, should be burned in the cold weather.

b. The grass to the distance of 1½ chains or of 50 feet, where the border of a forest reserve is conterminous with foreign forests or with private forest or grass lands, should be burned in the cold weather.

c. The grass to the distance of 3 chains or 100 feet on both sides of the railway line should be burned in the cold weather.

Where possible these fire traces should be burned by the Forest Establishments without any cost to Government, but in some heavy and out-of-the-way forests it may be necessary to burn fire traces by hired labour, to be charged in the forests accounts against the prescribed sub-head A VIII. *e.*—Protection from fire.

If the grass is saleable it should be sold to be cut and removed and the stalks remaining should be burnt down.

Second.—Villagers should be made fully aware by the Revenue Officers of the necessity of preventing and extinguishing fires in forests.

a. Translations of Section 78, Chapter XIV. of the Indian Forest Act VII. of 1878 should be posted up in a conspicious place in every village contiguous to a forest,—after it has been read and been explained to the assembled villagers by the head-men of the village.

b. Villagers should be warned that when burning ráb upon a field adjoining a forest reserve, every precaution against the spread of fire should be taken, some one should remain by the fire until it has consumed itself, and a cleared space of one chain or 33 feet should exist between the forest boundary and the ráb.

c. Villagers should be cautioned regarding smoking in a forest reserve, about kindling fires for cooking, and about keeping and carrying fire. Cautions and warnings to

villagers should be made by proclamation from the Collector through the Revenue Officers, and they should be read and explained to assembled villagers by the village head-men before they are posted up in the village.

Third.—Repression.

a. Detected offences of firing forests should be adequately punished by the magistracy. It is extremely difficult to bring satisfactory proof of a charge of forest burning, but when proof is fully established, punishment should follow and should be prompt and deterrent.

b. The personal responsibility of the Forest Protective Establishments should in the case of forest fires be enforced. The Beat Guard should be fined for every fire, the origin of which cannot be satisfactorily accounted for.

Fourth.—'Conciliation.'

a. Villagers, other than those specified in Section 78 of the Forest Act, who may assist at putting out a forest fire should be paid fair wages for the work they have performed.

b. Where fire conservancy has been perfect and special circumstances suggest some recognition thereof, a necessary grant to purchase wood for the village temple or dharmshála or a grant to build a well or other similar project for the benefit of the village community might be made from Forest Funds at the instance of the District Forest Officer.

c. The patel, other village officer or any person of those specified in Section 78 of the Forest Act who may perform some conspicuously good service in the interests of fire conservancy should be specially rewarded upon the approved recommendation of the District Forest Officer.

Fifth.—Special establishments for fire conservancy should be maintained and charged under the prescribed Budget head A VIII. *e.*—Fire protection, in big forests removed from densely populated tracts, such for instance—the Dangs, the Mándvi Reserves of Surat, the Sátpuda, the Sátmála, the Traus Purna, &c., Reserves of Khándesh, and possibly for the East-Wada, the Alman, Tak-Mak, Gotara, &c., Reserves of the Thána District. These establishments should consist of either patrols upon daily-and monthly wages, or forest settlers who should be given land to cultivate, rent free, upon the outskirts of the forests in payment of such forest service.

Sixth.—The action of Government, with reference to forest reservation, should be clearly explained to the people who are by no means slow to comprehend when it is shown to them the benefits to be derived to Government, to themselves, and to the country by a strong forest policy. Much might be done in this way by translating and circulating in the dialect of the district some of the more important public documents having reference to the subject of forests. The Educational Department should inculcate in all Government schools the importance of preserving forests and the effect which the denudation of the jungle has on the rainfall and climate.

Seventh.—'Evergreen fencing.'

That forest reserves be gradually fenced in by living hedges of evergreen growth. Bámbus should take a large part in this work. Gaps should be left where roads and highways lead into the Reserve. Fences of this description will prove remunerative in a fiscal point of view. They will not only define the boundaries of the forests, but they will offer a barrier to the ingress of fire. Of course when the bámbus seed and before they dry and become inflammable, they must be cut out and a second growth raised from the old roots.—*Report from Conservator of Forests, N. D., with G. R. No.* 3577, *June* 22, 1881.